

# JOURNAL OF THE SENATE.

EXTRA SESSION, 1912.

TUESDAY, OCTOBER 1, 1912.

In pursuance of the proclamation of Hon. Albert W. Gilchrist, Governor of the State of Florida, the Senate met in extraordinary session at 12 o'clock M., and was called to order by the President of the Senate, Hon. F. P. Cone. The proclamation of the Governor in relation to convening the Legislature in extraordinary session was read to the Senate. The roll was called and the following Senators answered to their names:

Mr. President.

Senators—

Adkins, Fifteenth district.

Baker, Twenty-ninth district.

Calkins, Sixteenth district.

Carney, Twentieth district.

Culpepper, Twelfth district.

Davis—Tenth district.

Finlayson, Twenty-second district.

Flournoy, Third district.

Hosford, Fifth district.

Hudson, Thirteenth district.

Humphries, Twenty-seventh district.

Johnson, Seventeenth district.

L'Engle, Eighteenth district.

Malone, twenty-fourth district.

McCreary, Thirty-second district.

McLeod, Thirtieth district.

McMullen, Eleventh district.

Miller, First district.

Sloan, Seventh district.

Stokes, Second district.

Wilson, Fourth District.

Zim, Thirty-first district—23.

Prayer by Acting Chaplain, Rev. J. D. Adcock.

The certificates of election of Messrs. J. S. Blich, 21st

District; W. M. Igou, 23rd District; J. P. Wall, 26th District; A. S. Wells, 8th District, and H. H. Wells, 25th District, were filed.

Chief Justice Whitfield then appeared within the bar of the Senate and administered the oath of office to the Senators-elect above mentioned.

Mr. Flournoy announced the deaths of Senator Cook and Senator Withers.

Mr. Hudson moved that a committee of three be appointed to consider the number of attaches needed for the work of the Senate and to present a list of same with suggestions to the body.

Which was agreed to.

The President appointed Messrs. Hudson, Malone and Sloan.

Mr. Johnson offered the following Resolution:

Senate Resolution No. 1.

Resolved, That the official organization of the Senate as organized and made for and during the session of 1911, be and same is hereby made the official organization of this the extra session now convened.

Resolved further, That the standing committees of the Senate of the session of 1911, be and same are hereby made the standing committees of this extra session, Provided, that where new members have been elected to fill vacancies the President of the Senate shall appoint such new members to be members of those committees of which their predecessors were members,

Resolved further, That the rules of the Senate as adopted and made the rules of the session of 1911, be and same are hereby adopted and made of this extra session.

Which was read.

Mr. Johnson moved to adopt the Resolution.

Which was agreed to.

Mr. Johnson moved that a committee of three be appointed to notify the Governor that the Senate is organized and ready to receive any communication from him.

Which was agreed to.

The President appointed Messrs. Johnson, Stokes and Davis as said committee.

A committee from the House of Representatives appeared at the bar of the Senate and reported that the

House is duly organized and ready to proceed with business.

The message was received.

The committee appointed to wait upon the Governor and notify him of the organization of the Senate, appeared at the bar of the Senate and reported the performance of their duty and requested to be discharged.

The report was received and the committee was discharged.

A message was received from the Governor.

The following proclamation by the Governor was read:

PROCLAMATION BY THE GOVERNOR.

SPECIAL SESSION OF THE LEGISLATURE.

STATE OF FLORIDA.

EXECUTIVE DEPARTMENT.

To All and Singular the Senators and Members of the House of Representatives of the State of Florida:

WHEREAS, it is considered that the interests of the commerce and industrial development of the State of Florida demand that as soon as practicable legislation be enacted by the Legislature of said State for the purpose of giving authority to the City of Jacksonville to own, operate and control municipal docks and terminals;

AND WHEREAS, it appears to be expedient and necessary that such authority be granted by appropriate legislation at an earlier date than that fixed for the next Regular Session of the Legislature;

NOW, THEREFORE, I,

ALBERT W. GILCHRIST,  
Governor of the State of Florida,

By virtue of the power and authority vested in me by the Constitution, do hereby Convene the

LEGISLATURE OF THE STATE OF FLORIDA

In special Session, at the Capital, in Tallahassee, on Tuesday, the First Day of October, A. D. 1912, at 12 O'clock Meridian, to consider and act upon legislation to authorize and empower the City of Jacksonville to acquire, own, construct, equip, operate, lease and control

Municipal Docks and Terminals, including railroads; to acquire property and franchises for such purposes and kindred and subsidiary purposes, and to issue bonds for such purposes, and to create certain municipal offices for the City of Jacksonville, and to prescribe the duties thereof; to grant to the City of Jacksonville the right to widen, extend or deepen the channel of the St. Johns River, to fill in, build up, have, possess, use and own shoals, shallows, middle grounds or flats therein; to authorize and empower the State and any officer or officers thereof to receive, hold and disburse any moneys that may be given or paid by any corporation, association or person to pay the expenses of said Special Session of the Legislature, or to reimburse the State therefor; and legislation germane and pertinent to the above mentioned subjects.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed hereunto. Done at the Capital this the Seventeenth day of August, A. D. 1912, and of the Independence of the United States of America, the one hundred and thirty-seventh year.

(Great Seal)

ALBERT W. GILCHRIST,  
Governor.

By the Governor, Attest:  
H. CLAY CRAWFORD,  
Secretary of State.

Mr. Johnson moved to spread the proclamation upon the Journal.

Which was agreed to.

Mr. Wells of the 8th District moved that a committee of three be appointed to wait upon the House of Representatives and notify the House that the Senate was duly organized and ready to proceed to the business of the session.

Which was agreed to.

The President appointed Messrs. Wells, Wilson and Wall as said committee.

Mr. Hudson moved that Senator Massey be excused from attendance upon the session on account of ill health.

Which was agreed to.

Mr. Stokes moved that Senator Broome be excused from attendance upon the session on account of ill health.

Which was agreed to.

The committee appointed to wait on the House of Representatives and notify them of the Senate's readiness to proceed with business, appeared before the bar of the Senate and reported the duty performed.

The report was received and the committee was discharged.

Mr. McMullen moved that a committee of three be appointed to draft Resolutions upon the sad deaths of Senators Cook and Withers and report same to the body.

Which was agreed to.

Messrs. McMullen, Carney and Zim were appointed as said committee.

The following message from the Governor was read:

#### MESSAGE OF THE GOVERNOR.

STATE OF FLORIDA,  
EXECUTIVE DEPARTMENT.

TALLAHASSEE, October 1, 1912.

*Gentlemen of the Legislature of the State of Florida:*

Under Section 8 of Article IV of the Constitution of the State of Florida, I have by Executive Proclamation convened the Legislature of the State of Florida in Special Session at the Capitol in Tallahassee, on this, the first day of October, A. D. 1912, at 12 o'clock Meridian.

It is recommended that the following legislation be enacted:

A bill or bills to authorize and empower the City of Jacksonville to acquire, own, construct, equip, operate, lease and control Municipal Docks and Terminals, including railroads; to acquire property and franchises for such purposes and kindred and subsidiary purposes, and to issue bonds for such purposes, and to create certain mu-

*nicipal offices for the City of Jacksonville, and to prescribe the duties thereof; to grant to the City of Jacksonville the right to widen, extend or deepen the channel of the St. Johns River, to fill in, build up, have, possess, use and own shoals, shallows, middle grounds or flats therein; also, a bill to authorize and empower the State and any officer or officers thereof to receive, hold and disburse any moneys that may be given or paid by any corporation, association or person to pay the expenses of this Special Session of the Legislature, or to reimburse the State therefor; and a like bill concerning the counties for expenses of holding special elections to elect members of the Legislature to attend this Special Session; and legislation germane and pertinent to the above mentioned subjects.*

The circumstances influencing me in convening this Special Session are as follows:

It was stated to me by a well-posted gentleman accompanying the representatives of the Board of Trade of Jacksonville, that it is the general policy of the United States Engineering Department "in the case of all new work now being undertaken to make it one of the conditions that Municipal Docks should be provided for before any work is undertaken by the Government." That the United States Engineering Officer, in whose jurisdiction is the City of Jacksonville, "a year ago recommended that no further appropriation be made for improvement on the St. Johns River until steps were taken by the City to insure the ownership and operation of Municipal Docks."

"One of the urgent needs of immediate action by the City of Jacksonville is that other ports, as Savannah and Charleston, are wide awake and are competing for business that could just about as well go to Savannah at any rate as to Jacksonville, but could more logically come to Jacksonville. The present situation is that the port that

first provides the best facilities will probably get and hold a large portion of this business, but if it once becomes firmly established in any one port, it will not be able to be taken elsewhere."

Knowing that the present Congress has passed a Rivers and Harbors Bill, and feeling that it was extremely doubtful that another such bill would pass between now and the adjournment of the same on March 4, 1913, I did not feel at liberty to convene, under ordinary circumstances, a Special Session of the Legislature for such purpose. The people of Jacksonville, however, evidently considered it of extraordinary importance that this legislation should be passed now. The Board of Trade, representing the business interests of the City of Jacksonville; the Central Trades and Labor Council, representing the labor of the city, and over three thousand white citizens; representing the citizens generally, petitioned for the convening of this Special Session. The representatives of the Board of Trade agreed to pay the expenses of this Special Session, the session not to exceed three days.

A large majority of the members of the Legislature evidently thought that it was necessary for such a Special Session to be convened. Twenty-two members of the present Senate signed a separate communication addressed to me, being as follows:

"Dear Sir: It has been brought to my attention that special legislation is necessary for the development and protection of Florida commerce, and that with this end in view, the port of Jacksonville desires a Special Session of the Legislature to consider a bill which will make it possible for Jacksonville to acquire and operate or lease docks, terminals and warehouses, in consideration that the Board of Trade of Jacksonville is to pay all expenses of such Special Session—upon the condition no other measure is considered, and that the session last not longer

than three (3) days. I pledge myself to abide by these conditions, if in your wisdom, you should call such Special Session."

One other Senator modified the statement pledging himself to "consider no other question;" another, "to confine the action of the Legislature to such matters as the Governor may indicate in his Call."

This same separate communication was signed by fifty-two members of the present House. Other members wrote more or less endorsing the same.

Owing to the uncertainty of any appropriation being made between now and the adjournment of Congress, having been passed, I would not have considered this matter of such extraordinary importance as to put the State to the expense incident to this Special Session.

The people of Jacksonville evidently think that such legislation is of paramount importance. Fully three-fourths of the members of the Legislature concurred in the advisability of calling a Special Session. Fully three-fourths evidently concurred in the proposition that there should be no expense to the State. The necessity of calling special elections to fill vacancies in the membership of the Legislature was overlooked. This is, however, an March 4th, 1913, the regular Rivers and Harbors Bill expense incidental to a Special Session. This expense to the counties will be paid, as is provided for in the recommendations contained in this message.

Before calling this Special Session, I insisted that it be shown to me that the people of Jacksonville desired such legislation and desired it now; that there should be no expense attending the same, and that a good working majority of each House of the Legislature should show that they concurred in the calling of this Special Session

for the purposes herein set forth, and on the conditions herein expressed.

I have the honor to be,

Very respectfully,

ALBERT W. GILCHRIST,  
Governor.

Mr. Johnson moved that the message be received and spread on the Journal.

Which was agreed to.

#### INTRODUCTION OF BILLS.

By Mr. L. Engle—

Senate Bill No. 1:

A Bill to be entitled an Act granting to the City of Jacksonville, a municipal corporation under the laws of the State of Florida, certain submerged lands or middle ground in St. Johns River for the purpose of navigation, commerce and municipal docks and terminals for a period of 1,000 years and granting to said City of Jacksonville the right for the purposes mentioned to widen, extend or deepen the channel of the St. Johns River within and contiguous to its present corporate limits and to fill in, build up, have, possess, use and own for such purposes shoals, shallows and middle ground or flats therein.

Which was read the first time by its title and referred to the Committee on Judiciary "A."

By Mr. L'Engle—

Senate Bill No. 2:

A Bill to be entitled an Act to authorize and empower the several counties and any proper officer or officers thereof to receive, hold and disburse any moneys that may be given or paid by any corporation, association or person to pay the expenses of electing any person or persons, in or from any such county or counties, or to reimburse such several counties therefor, for or on account of the special session of the Legislature convened the first day of October, 1912.

Which was read the first time by its title and referred to the Committee on Judiciary A.

Mr. Hudson, Chairman of the Special Committee on Attaches, announced that the Committee would report after recess hour and recommended that no additional attaches be appointed until the report was made.

Mr. McMullen moved that 100 copies of each of Senate Bill No. 1 and Senate Bill No. 2 be printed.

Which was agreed to.

Mr. Sloan moved that when the Senate takes a recess it shall be until three o'clock P. M.

Mr. McMullen moved as a substitute to the motion that when the Senate adjourns it shall adjourn to 9 o'clock A. M. tomorrow.

Which was agreed to.

#### INTRODUCTION OF RESOLUTIONS.

Mr. Baker offered the following Concurrent Resolution: Senate Concurrent Resolution No. 1:

*Whereas*, It is against public policy and in direct opposition to the fundamental principles of a Government of the people, for the legislative branch of the Government of this state to accept a favor from any man or any body of men thereby placing the law making body, directly or indirectly, under obligations to anything whatsoever except the duty to legislate for the benefit of all the people; and

*Whereas*, It is absolutely necessary for the perpetuation of a free Government to have its law-making body free from the taint of suspicion of commercialism, special privilege or obligation to anyone whatsoever except all of the people of the state equally; and

*Whereas*, The call for the extra session of the legislature now assembled has specifically stated therein the agreement of the Board of Trade of Jacksonville to pay the expenses of the legislature on condition that a majority of the members agree not to legislate at the special session except for the particular benefit of the City of Jacksonville; and

*Whereas*, No such contract as this should be made between the law-making body and any particular or special grant of the citizens of this state, it being directly contrary to the spirit of Government by the people so to do.

*Therefore be it Resolved*, By the Senate of the State of Florida, the House concurring, That it is the sense of

this Senate and of the House hereby invited to concur herein, that the present special session of the legislature now convened,—being convened by reason of the specifications hereinbefore set forth, namely, the agreement of the Jacksonville Board of Trade to pay the expenses of the session, provided legislation by it is confined to the benefit of the City of Jacksonville,—is convened directly contrary to the spirit of free institutions to the good of the State, and to public policy, and

*Be it Further Resolved*; That there being no general state-wide demand for the convening of a special session of the legislature, that this special session do adjourn *sine die* at six o'clock P. M. this day, October 1st, 1912.

Which was read the first time.

Mr. Baker moved that the rules be waived, and that Senate Concurrent Resolution No. 1 be taken up and considered at once.

Mr. Malone moved as a substitute to the motion that Senate Concurrent Resolution No. 1 be referred to the Committee on Legislative Expenses.

Which was agreed to, and the Resolution was so referred.

Mr. Wells moved that the Senate take a recess until 3 o'clock this afternoon.

Which was agreed to.

Thereupon the Senate took a recess until 3 o'clock p. m.

#### AFTERNOON SESSION.

The Senate met pursuant to recess order at 3:00 P. M. The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Blich, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Hosford, Hudson, Humphries, Igou, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Sloan, Stokes, Wall, Wells (8th District), Wells 25th District), Wilson, Zim—24.

A quorum present.

Mr. Johnson moved that the Senate do now go into Executive Session:

Which was agreed to.

The doors were closed at 3:15 P. M.

The doors were opened at 3:20 P. M.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Blich, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Hosford, Hudson, Humphries, Igou, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Sloan, Stokes, Wall, Wells (8th District), Wells (25th District), Wilson, Zim—26.

A quorum present.

By unanimous consent, Mr. L'Engle introduced—  
Senate Bill No. 3:

A Bill to be entitled an Act authorizing and empowering the City of Jacksonville to acquire, own, construct, equip, operate, lease and control municipal docks and terminals, including railroads; to acquire property and franchises for such purposes and kindred and subsidiary purposes, and to issue bonds for such purposes, and creating certain municipal offices for the City of Jacksonville, and prescribing the duties thereof, and to carry into effect the provisions of this act.

Which was read the first time by its title and referred to the Committee on Judiciary "A" with the request to report on same at an early date.

By unanimous consent, Mr. L'Engle introduced—  
Senate Bill No. 4:

A Bill to be entitled an Act authorizing and empowering the Treasurer of the State of Florida to receive, hold and disburse any moneys that may be given or paid by any corporation, association or person, to pay the expenses of the Special Session of the Legislature convened on the first day of October, 1912, or to reimburse the State therefor.

Which was read the first time by its title and referred to the Committee on Judiciary with the request to report on same at an early period.

Mr. McMullen, Chairman of the Committee to draft suitable resolutions on the deaths of Senators Buell Cook and I. N. Withers, reported the following Resolution to the Senate:

"Whereas, in the providence of the Allwise Creator he has taken from us Hon. I. N. Withers and Hon. Buell Cook, two esteemed members of this body; therefore

"Be it Resolved, That the State of Florida has been de-

prived of the services of two useful and faithful public servants.

"Be it further Resolved, That we, the members of the Senate, feel a distinct personal loss in the death of our associates and friends.

"Be it further Resolved, That this resolution be spread upon the journal of the Senate; that a copy be sent by the secretary to the family of each of the deceased; and that out of respect for the memory of our deceased friends, the Senate do adjourn until 9 o'clock A. M. tomorrow.

"D. C. McMULLEN, Chairman.

"E. L. CARNEY,

"L. W. ZIM."

Mr. McMullen moved that the Resolution be adopted that when the Senate adjourns today it adjourn until 9 o'clock Wednesday, Oct. 2, 1912, as a tribute of respect to the deceased Senators.

Which was agreed to.

Mr. McMullen moved that one hundred copies each of Senate Bill No. 3 and Senate Bill No. 4 be printed.

Which was agreed to.

Mr. McMullen moved that the courtesy of the Chamber be extended to United States Senators D. U. Fletcher and N. P. Bryan.

Which was agreed to.

Mr. Hudson, Chairman of the Committee on Attaches submitted the following report:

Senate Chamber,  
Tallahassee, Fla., Oct. 1, 1912.

Hon. Fred P. Cone,  
President of the Senate.

Sir:

Your Special Committee on Attaches beg leave to report.

1. The following attaches who served in the Regular Session of this body are present and performing their duties, to-wit:

Charles A. Finley, Secretary.

Jack Peters, Assistant Secretary.

E. G. Eubanks, Doorkeeper.

Your committee recommend that they be retained in their respective positions during the present Special Session.

2. Rev. A. D. Adcock is present by request of Chap.

lain Rennolds and performing the duties of that position and your Committee recommend that he be retained for the Special Session.

3. Your Committee recommend that Barnes Hopkins be employed as page and that Thomas Lester be employed as substitute, to act during his absence, and that Columbus B. Smith be employed as Sergeant-at-Arms.

4. No other attaches being present, your Committee recommend that their places be not filled until the need of their services shall be apparent.

Respectfully submitted,

F. M. HUDSON, Chairman.  
W. H. MALONE, Jr.,  
D. H. SLOAN.

The report was received and adopted.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., October 1, 1912.

*Hon. Fred P. Cone,*

*President of the Senate:*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

House Concurrent Resolution No. 1:

Resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Florida, convened in Special Session at 12 o'clock noon October 1st, 1912, adjourn sine die at 10 o'clock noon October 3rd, 1912.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,  
*Chief Clerk of the House of Representatives.*

Mr. Johnson moved that the rules be waived and that House Concurrent Resolution No. 1 contained in the above message be read the second time and placed on its passage.

Which was not agreed to.

House Concurrent Resolution No. 1 was laid over under the rule.

Mr. McMullen, 8th District, moved that the Senate do now adjourn to 9 o'clock A. M. tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned until 9 o'clock A. M. Wednesday, October 2, 1912.

#### CONFIRMATIONS.

Mallory F. Horne, of Jasper, Fla., to be Judge of the Third Judicial Circuit of the State of Florida for the unexpired term of Ira J. Carter, resigned.

John W. Henderson, of Tallahassee, Fla., to be State Attorney for the Second Judicial Circuit of the State of Florida for the unexpired term of Geo. W. Walker, resigned.

D. Stuart Gillis, of DeFuniak Springs, Fla., to be Judge of the Criminal Court of Record for Walton County for the unexpired term of Chas. O. Andrews, resigned.

W. F. Gwaltney of St. Andrews, Fla., to be a Commissioner of Pilotage for the Port of St. Andrews, Fla., for the unexpired term of J. T. Gwaltney, resigned.

A. H. McLeod, of Pensacola, Fla., to be a Commissioner of Pilotage for the Port of Pensacola, Fla., for the unexpired term of James M. Flinn, deceased.

#### WEDNESDAY OCTOBER 2, 1912,

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators—Adkins, Baker, Blitch, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Hosford, Hudson,, Humphries, Igou, Johnson, L'Engle, Malone, McLeod, McMullen, Miller, Stokes, Wall, Wells (8th District), Wells (25th District), Wilson, Zim—26.

A quorum present.

Prayer by the Chaplain.